

REMARKS

This Response is submitted in reply to the Office Action mailed on October 19, 2004. Claims 1 to 48 have been canceled without prejudice or disclaimer. New claims 49 to 80 have been added. No new matter has been added by any of the amendments made herein. A Supplemental Information Disclosure Statement is submitted herewith. A check in the amount of \$180.00 is submitted herein to cover the cost of the Supplemental Information Disclosure Statement. Please charge deposit account no. 02-1818 for any insufficiency or to credit any overpayment.

Claim 1 was rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential elements. Claims 2-10, 13 and 14 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 1, 3-5 and 13 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,702,303 to Takemoto et al. ("Takemoto"). Claims 2, 6-8 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Takemoto in view of U.S. Patent No. 5,842,921 to Mindes et al. ("Mindes"). Claims 9 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Takemoto in view of U.S. Patent No. 6,089,977 to Bennett ("Bennett").

Applicants canceled Claims 1 to 48 without prejudice or disclaimer and added new Claims 49 to 80. Accordingly, Applicants will address the rejections in the Office Action regarding new claims 49 to 80. Applicants respectfully submit that the cited references do not disclose, teach or suggest the elements of new Claims 49 to 80 for at least the following reasons.

Takemoto is directed to a game machine having a game display screen for paying out game play media for a winning game if a given condition is satisfied. (See the Abstract). The game machine includes an input counter 3 for cumulatively counting the number of input coins inputted into the game machine and a payout counter for cumulatively counting the number of coins paid out to a player. The game machine displays a profit/loss count as a sub-window 2b in a corner of the game display screen 2. Specifically, the profit/loss count is displayed as a graph indicating the change of the profit/loss count for a player over time in a game. (Col. 6, lines 33 to 49). Accordingly,

a player can determine their profit or loss during the play of a game without having to count the number of coins that they input into the game machine or the number of coins that have been paid out to the player in a game. (Col. 7, lines 50 to 55).

On the contrary, new Claim 49 is directed to a gaming device controlled by a processor that includes a game operable upon a wager made by a player, an input device and a display device. The gaming device includes a graph having a first axis and a second axis. A plurality of potential payout values are associated with the first axis and time is associated with the second axis. In a play of the game, the processor is operable to cause the display device to display the graph, sequentially display each of a plurality of the payout values on the graph for a designated amount of time, enable the player to accept one of the payout values and provide an outcome to the player which includes the displayed payout value accepted by the player or the payout value displayed on the graph when no time remains in the play of the game.

The claimed invention is therefore directed to determining and providing an outcome including a payout value in a game by enabling the player to accept one of the payout values at a particular time or by providing a payout value displayed on the graph to the player when time runs out or expires in the play of the game. Takemoto does not disclose, teach or suggest such elements. Specifically, Takemoto does not allow or enable a player to accept one of the profit or loss values displayed by the graph in a game nor does Takemoto provide the profit/loss value displayed on the graph to the player when a designated period of time expires in a game. Accordingly, Takemoto does not disclose, teach or suggest the elements of new Claim 49 and new Claims 50 to 58, which depend from Claim 49. Therefore, new Claim 49 and Claims 50 to 58 are each patentably distinguished from Takemoto and are in condition for allowance.

New Claims 59 and 69 include certain similar elements to new Claim 49. Therefore, new Claim 59 and Claims 60 to 69 which depend from new Claim 59; and new Claim 70 and new Claims 71 to 80 which depend from new Claim 70, are each patentably distinguished from Takemoto and are in condition for allowance.

In view of the above reasons, Applicants respectfully submit that new Claims 49 to 80 are patentably distinguished over the cited references.

An earnest endeavor has been made to place this application in condition for allowance and is courtesy solicited. If the Examiner has any questions regarding this response, Applicants respectfully request that the Examiner contact the undersigned attorney.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY 

Adam H. Masia
Reg. No. 35,602
P.O. Box 1135
Chicago, Illinois 60690-1135
Phone: (312) 807-4284

Dated: January 18, 2005